

Remarks

The Office Action mailed July 1, 2003 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-16, 18, 19, and 27-37 are now pending in this application. Claims 1-16, 18, 19, and 27-32 stand rejected. Claims 17 and 20-26 have been cancelled. Claims 33-37 have been allowed.

In accordance with 37 C.F.R. 1.136(a), a three month extension of time is submitted herewith to extend the due date of the response to the Office Action dated July 1, 2003, for the above identified patent application from October 1, 2003, through and including January 2, 2004. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$950 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-16, 18-19, and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over Pildner et al (US Patent No. 5,625,338) in view of McClure (5,923,731) is respectfully traversed.

Notably, neither Pildner et al nor McClure describe a phone interface device comprising a receiver, a phone port and a power supply wherein the receiver is configured to receive a wireless signal from a control panel. Rather, at most, Pildner in view of McClure describe a control panel 4 that receives wireless signals from a plurality of sensors 50 and that is wired to a phone port. See, for example, Figure 1 of Pildner et al.

Pildner et al. describe a security system 2 having a control panel 4. Control panel 4 has an RF receiver 6 as well as an RF transmitter 8 and can receive signals from and send signals to the other components of security system 2. These other components include a keypad 16, a sounder 40, and a plurality of sensors indicated as 50. The control panel 4 is connected to a telephone channel 12 through which, control panel 4 can contact a central monitoring service, should an alarm or trouble condition require reporting. The sensors send RF signals to the control panel through individual transmitters. Wireless keypad 16 also receives and sends RF signals to and from control panel 4. Keypad 16 is battery powered and in one embodiment, keypad 16 is portable, while in another embodiment, keypad 16 is stationary.

McClure describes a telephone monitoring and alarm apparatus including a telephone line sensing means which determines whether an incoming telephone line is cut or busy and alerts a user as to the status of the telephone line.

Claim 1 recites a phone-interface device comprising “a receiver configured to receive a wireless signal from a control panel that receives signals from at least two sensors and that determines whether to send an alarm report to said phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event; a phone port configured to connect to a telephone line and to receive configuration data from the monitoring station; and a power supply comprising a telephone line.”

Neither Pildner et al nor McClure, alone or together, teach or describe the phone interface device recited in Claim 1. Specifically, neither Bergman nor McClure describe a phone-interface device that includes a receiver, a phone port, and a power supply, wherein the receiver is configured to receive a wireless signal from a control panel that receives signals from at least two sensors and determines whether to send an alarm report to the phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event. Rather, Pildner et al describe a control panel 4 that receives wireless signals from a plurality of sensors 50 and that is wired to a phone port. See for example, Figure 1 of Pildner et al. And, McClure describes a phone port to connect the phone-interface to a telephone line. Neither McClure nor Pildner describe or suggest a phone-interface device receiver configured to receive wireless signals from a control panel that receives signals from at least two sensors and that determines whether to send an alarm report to the phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event.

Claims 2-7 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-7 likewise are patentable over Pildner et al in view of McClure.

Claim 8 recites a phone-interface device, comprising “a phone port configured to connect to a telephone line and to receive configuration data; a transmitter configured to send the configuration data via a wireless signal to control a control panel; and a power supply comprising a telephone line.”

Pildner et al in view of McClure do not teach nor suggest a phone interface device that includes a transmitter configured to send configuration data via a wireless signal to control a control panel, in addition to the other recitations recited in Claim 8. Rather, Pildner et al describe a control panel 4 that receives wireless signals from a plurality of sensors 50 and that is wired to a phone port. See for example, Figure 1 of Pildner et al. And, McClure describes a phone port to connect the phone interface to a telephone line. Neither Pildner et al nor McClure describe or suggest a transmitter configured to send configuration data via a wireless signal to control a control panel.

Claims 9-16, 18-19, and 30-32 depend, directly or indirectly, from independent Claim 8. When the recitations of Claims 9-16, 18-19, and 30-32 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-16, 18-19, and 30-32 likewise are patentable over Pildner et al in view of McClure.

Claims 27-29 depend from Claim 1. It is respectfully submitted that Claim 1 is patentable over Pildner et al in view of McClure for the reasons set forth above with respect to the rejection of Claim 1. When the recitations of Claims 27-29 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 27-29 likewise are patentable over Pildner et al in view of McClure.

In addition, Applicants respectfully submit that the Examiner's Section 103 rejection of presently pending claims 1-16, 18-19 and 27-32 is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Pildner et al in view of McClure.

More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. Neither Pildner et al nor McClure teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Pildner et al and McClure because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

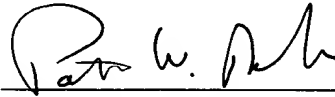
Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claims 1-16, 18-19, and 27-32, the Section 103 rejection of Claims 1-16, 18-19 and 27-32 appears to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for the reasons set forth above, Claims 1-16, 18-19, and 27-32 are submitted to be patentable over Pildner et al in view of McClure, and for the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-16, 18-19, and 27-32 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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